

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL MUTHEE MUNYWE,
Petitioner,

v.

ROB JACKSON,
Respondent.

CASE NO. 3:23-cv-05965-TSZ-BAT

**ORDER DIRECTING SERVICE OF
§ 2254 PETITION REGARDING
STAY PENDING COMPLETION OF
STATE PROCEEDINGS**

Petitioner filed a *pro se* 28 U.S.C. § 2254 petition seeking relief from his 2020 conviction and sentence for Rape in the Second Degree and Unlawful Imprisonment with Sexual Motivation in Pierce County Case No. 18-1-04633-7. Petitioner avers he has filed two personal restraint petitions (PRP) and that both “have not yet been decided and are still pending in superior court and court of appeals.”

The Court has reviewed the petition for writ of habeas corpus filed in this case and

ORDERS:

SERVICE

(1) The Clerk is directed to send to respondent and to the Attorney General of the State of Washington, via the e-mail service protocol, copies of the habeas petition, all documents in support thereof, and this Order. *See* General Order 06-16. Petitioner is currently incarcerated

ORDER DIRECTING SERVICE OF § 2254
PETITION REGARDING STAY PENDING
COMPLETION OF STATE PROCEEDINGS -

1 in a facility operated by the Washington State Department of Corrections and is therefore subject
2 to the Court's Mandatory E-Filing Initiative under General Orders 02-15 and 06-16.

3 **RESPONSE**

4 (1) Within *45 days* of being served, **Respondent shall file and serve a response**
5 **upon Petitioner as to whether the §2254 habeas petition should be stayed and abeyed, in**
6 **light of Petitioner's representation that state court review of his convictions are not yet**
7 **complete.** The response shall be noted for the second Friday after filing.

8 (2) The Court will set a schedule for submission of Respondent's response to the
9 habeas petition once the stay and abey issue has been resolved.

10 **MOTIONS**

11 (1) Any request for court action must be made in a written motion that is properly
12 filed, served, and noted in accordance with Local Rule CR 7. All arguments supporting a motion
13 must be in the motion itself and not in a separate document. The caption of the motion must
14 designate the date the motion is to be noted for the court's consideration.

15 (2) The parties may not communicate directly with the District Judge or Magistrate
16 Judge regarding this case. All relevant inquiries, information and papers are to be directed to the
17 Clerk.

18 (3) The Clerk is directed to send a copy of this Order to the parties.

19 DATED this 6th day of November, 2023.

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22 _____
23 BRIAN A. TSUCHIDA
United States Magistrate Judge